

IN RE: PETITION FOR ZONING VARIANCE  
S/S Baltimore Avenue, 325' E  
of Central Avenue  
(239 Baltimore Avenue)  
12th Election District  
7th Councilmanic District  
Charles L. Thomas, et al  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-300-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 37.5 feet in lieu of the required 50 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Charles Thomas, John Thomas, Carmel Thomas, and Carolyn Thomas appeared and testified. There were no Protestants.

Testimony indicated that the subject property known as 239 Baltimore Avenue, consists of a single family attached dwelling in accordance with Petitioner's Exhibit 1. Said property was purchased by Petitioners as an investment property in 1981/82 at which time, an addition of 37.5 feet existed. Charles Thomas testified that last summer when he was attempting to make improvements to the subject addition, it was determined that the addition would have to be replaced. Testimony indicated that the setback conforms with numerous other properties in the area. Further, Petitioners contend the requested variance will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

*Anderson v. Bd. of Appeals, Town of Chesapeake Beach*, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of April, 1991 that the Petition for Zoning Variance to permit a rear yard setback of 37.5 feet in lieu of the required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

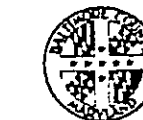
*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

ORDER RECEIVED FOR FILING  
Date 4/27/91  
By [Signature]

- 3 -

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

April 24, 1991

887-3353

Mr. Charles L. Thomas  
8026 Duvall Avenue  
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE  
S/S Baltimore Avenue, 325' E of Central Avenue  
(239 Baltimore Avenue)  
12th Election District - 7th Councilmanic District  
Charles L. Thomas, et al - Petitioners  
Case No. 91-300-A

Dear Mr. Thomas:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Ann M. Nastarowicz*  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

cc: People's Counsel

File

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-300-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1.802.3.C.1. TO PERMIT A REAR YARD DEPTH OF 37.5 FT. IN LIEU OF THE REQUIRED MINIMUM OF 50 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
SEE ATTACHED

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Charles L. Thomas  
8026 Duvall Ave 301-291-0957  
Address  
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 30 day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 11 day of April, 1991, at 11 o'clock A.M.

Filed 4/16/91 By J. Robert Haines  
Zoning Commissioner of Baltimore County

#### PRACTICAL DIFFICULTY/HARDSHIP ATTACHMENT

THIS NEW ADDITION ACTUALLY REPLACES AN IDENTICAL PREVIOUS EXISTING ADDITION WHICH WAS DETERIORATED DUE TO THE SMALL SIZE OF THESE RESIDENCES (13 FT. WIDE) MANY OF THE ADJACENT RESIDENCES HAVE BEEN EXPANDED THIS WAY OVER THE MANY YEARS THAT THEY HAVE EXISTED. IN ORDER TO MAINTAIN THE LAYOUT OF THE DWELLING AND EXPANDING FAMILY THIS ADDITIONAL SPACE IS VERY IMPORTANT.

91-300-A

#### ZONING DESCRIPTION

Beginning at a point on the south side of Baltimore Avenue at a distance of 325 feet east of Central Avenue. Being Pt. of lots (281,282) in the subdivision of St. Helena as recorded in Baltimore County Plat book #01. Folio #080 containing 1,675 square feet ±. Also known as 239 Baltimore Avenue and located in the 12th election district.

91-300-A

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 12th Date of Posting 4/24/91  
Posted for: Kimberly  
Petitioner: Charles Leonard Thomas, et al  
Location of property: 37.5 ft. rear yard, 239 Baltimore Ave  
Location of Sign: Front of property, 239 Baltimore Ave  
Remarks: Property of Baltimore County  
Posted by: [Signature] Date of return: 4/24/91  
Number of Signs: 1

#### CERTIFICATE OF PUBLICATION

OFFICE OF  
**Dundalk Eagle**

4 N. Center Place  
P. O. Box 8936  
Dundalk, Md. 21222 March 7, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Case #91-300-A - P.O. #0111138 - Reg. #M50260 - Notice of Hearing - was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 8th day of March 1991; that is to say, the same was inserted in the issues of March 7, 1991.

Kimbel Publication

By Kimbel

#### CERTIFICATE OF PUBLICATION

TOWSON, MD. 3-8-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-7-91.

THE JEFFERSONIAN,

S. Zake Orlov  
Publisher

\$ 32.83



**Baltimore County**  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date: 1/16/91

RECEIPT

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$35.00
010 - ZONING VARIANCE (IRL)	1	\$35.00
TOTAL:		\$35.00

LAST NAME OF OWNER: THOMAS

04AD4#0040NICHRC \$35.00  
Please Make Checks Payable To: Baltimore County 0004-227P01-16-91  
NEXT BUSINESS DAY

Cashier Validation

**Baltimore County**  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date: 1/16/91

RECEIPT

DESCRIPTION	QTY	PRICE
PUBLIC HEARING FEES	1	\$86.33
050 - POSTING SIGNS / ADVERTISING	1	\$86.33
TOTAL:		\$172.66

LAST NAME OF OWNER: THOMAS

04AD4#0040NICHRC \$172.66  
Please Make Checks Payable To: Baltimore County 0004-227P01-16-91  
NEXT BUSINESS DAY

Cashier Validation

**Baltimore County Government**  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 3/26/91

Charles Leonard Thomas, et al  
8026 Duval Avenue  
Baltimore, Maryland 21237

RE:  
Case Number: 91-300-A  
S/S Baltimore Avenue, 325' E of Central Avenue  
239 Baltimore Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): Charles Leonard Thomas, et al  
HEARING: MONDAY, APRIL 8, 1991 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 86.33 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE OWNER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

**Baltimore County Government**  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 11, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-300-A  
S/S Baltimore Avenue, 325' E of Central Avenue  
239 Baltimore Avenue  
12th Election District - 7th Councilmanic  
Petitioner(s): Charles Leonard Thomas, et al  
HEARING: MONDAY, APRIL 8, 1991 at 11:00 a.m.

Variance to permit a rear yard depth of 37-1/2 feet in lieu of the required minimum of 50 feet.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Charles Leonard Thomas, et al

**Baltimore County Government**  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

March 28, 1991

Mr. & Mrs. Charles L. Thomas  
8026 Duval Avenue  
Baltimore, MD 21237

RE: Item No. 280, Case No. 91-300-A  
Petitioner: Charles L. Thomas, et al  
Petition for Zoning Variance

Dear Mr. & Mrs. Thomas:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,  
James E. Dyer  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

**Baltimore County Government**  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 30th day of January, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:  
James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Charles L. Thomas, et ux  
Petitioner's Attorney:

**BALTIMORE COUNTY, MARYLAND**  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: February 11, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Charles Leonard Thomas, Item No. 280 ✓  
Cynthia Edelberg, Item No. 284  
Trustees of Middle River Baptist Church, Item No. 288  
Diamond Point Plaza Ltd. Partnership, Item No. 287  
Chuong Vinh, Item No. 291  
Fauver Properties, Item No. 293  
Robert Harvey, Item No. 303

In reference to the petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm  
ITEMS.VAR/ZAC1

**Baltimore County Government**  
Department of Public Works  
Bureau of Traffic Engineering

401 Bosley Avenue Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5784

February 14, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 278, 279, 280 282, 283 284, 285, 286, and 287.

Very truly yours,  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvd

received  
3/7/91

**Baltimore County Government**  
Fire Department

700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

JANUARY 28, 1991

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: CHARLES LEONARD THOMAS AND JOHN ANTHONY THOMAS AND KARVAL WETZEL THOMAS AND CAROL FRANCIS THOMAS

Location: #239 BALTIMORE AVENUE

Item No.: 280 Zoning Agenda: JANUARY 29, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. James Kelly 1-28-91 Noted and Approved: Capt. William E. Brady, Jr. 1-28-91  
Planning/Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

received  
1/30/91



RWR: 9

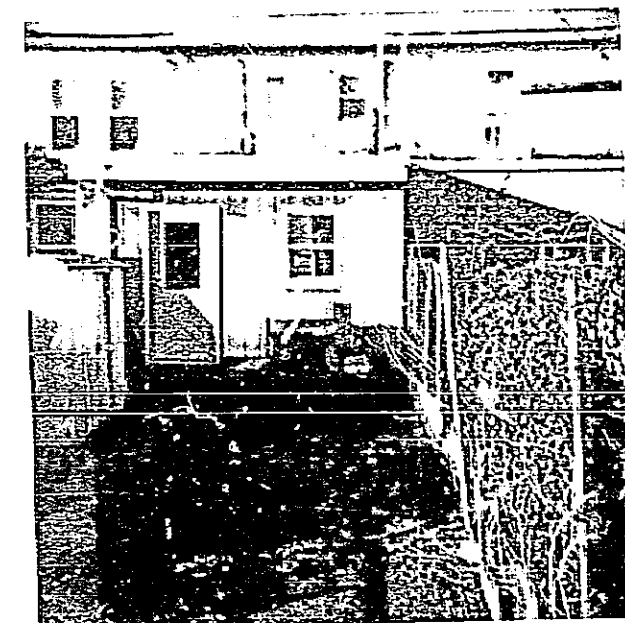
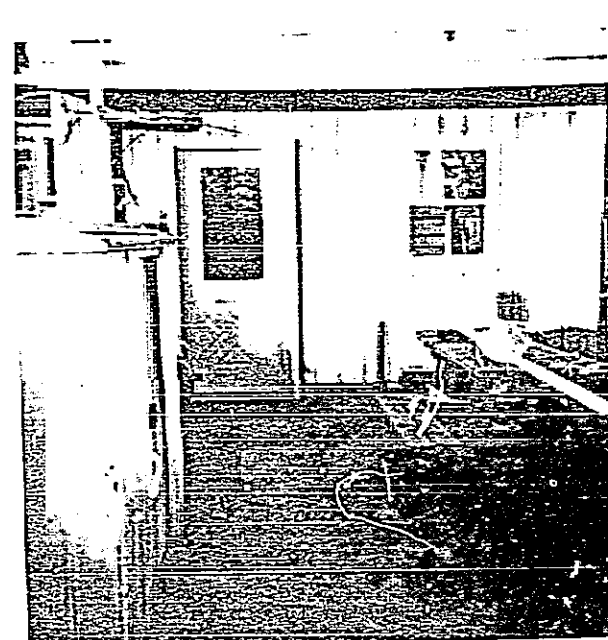
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2/5/91

PLEASE PRINT CLEARLY

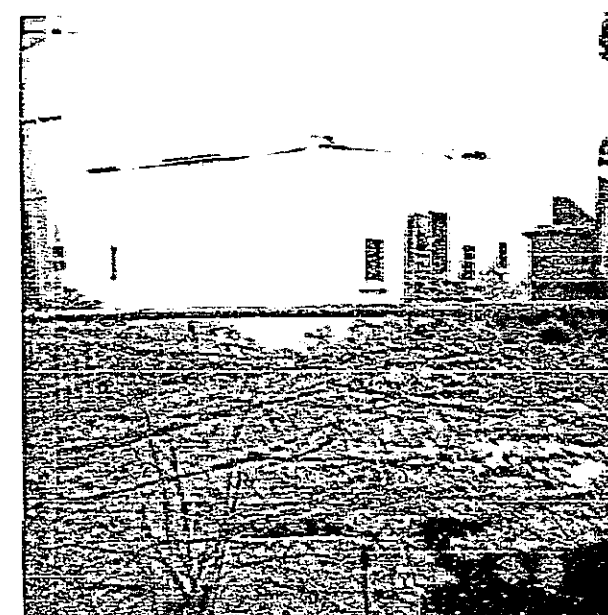
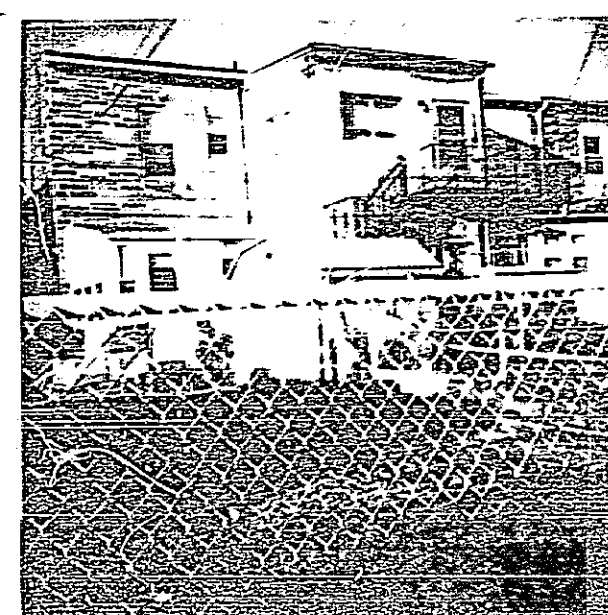
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Charles Thomas	3026 DUNN AVE

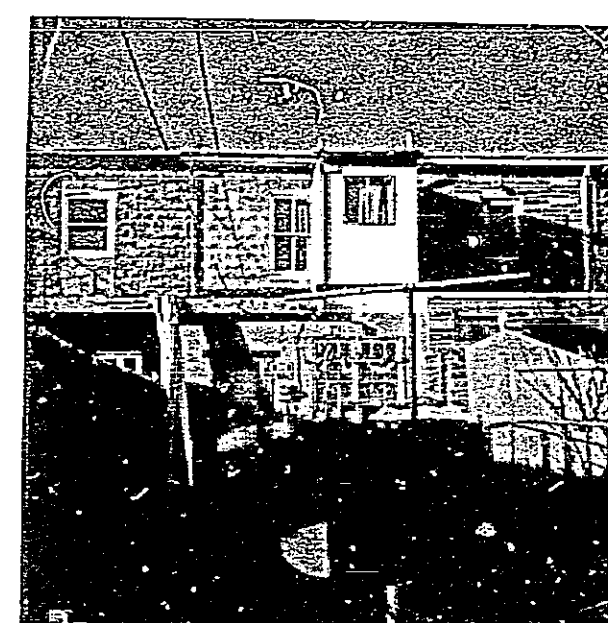
CASE #: 91-300-A



REAR = 7  
FOR VAR



PETITIONER'S EXHIBIT #

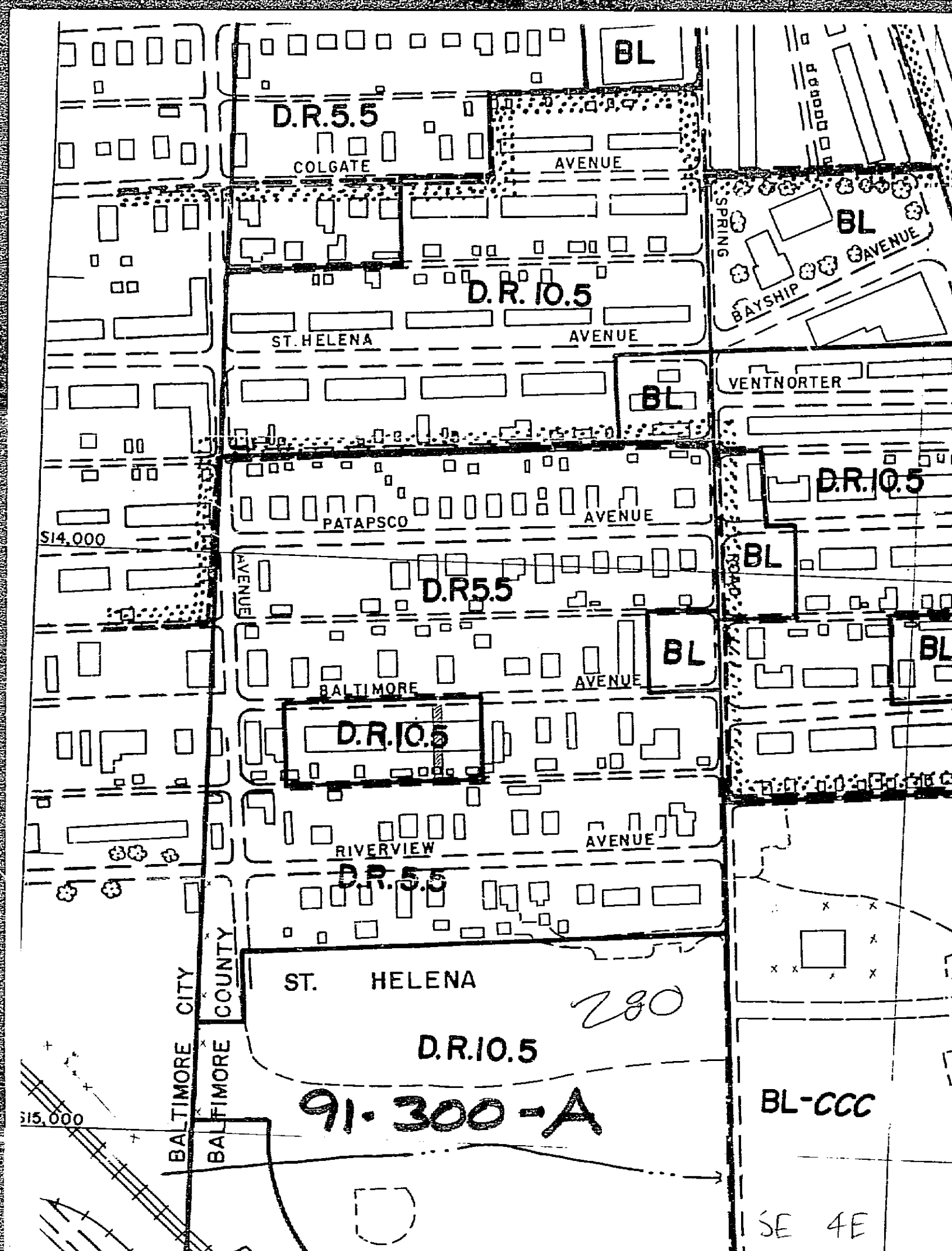


NEIGHBORS

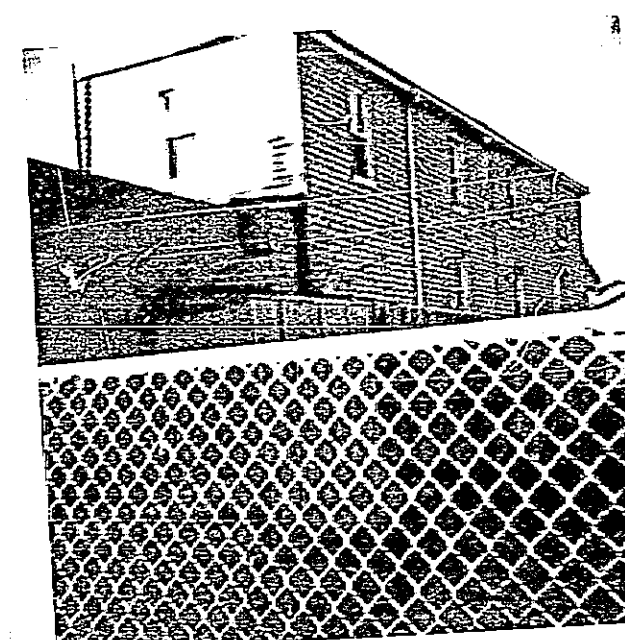


NEIGHBOR

PETITIONER'S EXHIBIT #



**CASE #:** 91-300-A



PETITIONER'S EXHIBIT #

